

EXHIBIT A



THE CITY OF NEW YORK
LAW DEPARTMENT

100 CHURCH STREET
NEW YORK, NY 10007

ZACHARY W. CARTER
Corporation Counsel

AGNETHA E. JACOB
Assistant Corporation Counsel
Telephone: (212) 356-0881
Fax: (212) 356-8760
Email: ajacob@law.nyc.gov
(not for service)

May 3, 2017

Via ECF

Honorable Paul A. Engelmayer
United States Magistrate Judge
Southern District of New York
500 Pearl Street
New York, NY 10007-1312

Re: *Carlson v. City of New York, et al.*, 17-CV-172 (PAE)

Dear Judge Engelmayer:

I am the Assistant Corporation Counsel assigned to the defense of the above-referenced action, in which Plaintiff alleges various causes of action that allegedly arose from the death of her partner, Richard Gonzalez, who was then a pretrial detainee in the custody of the New York City Department of Correction ("DOC"). *See* Docket No. 1. I write to respectfully request that Defendants' time to respond to the Complaint be adjourned pending Plaintiff's filing and serving of an amended complaint identifying the named defendants.

In her Complaint, Plaintiff names (i) the City of New York, (ii) Corizon Health Inc., Corizon Health Clinical Solutions, LLC, and Correctional Medical Associates of New York, P.C. (collectively, "Corizon"), (iii) unnamed John and Jane Doe corrections officers at the New York City Department of Correction ("DOC"); and (iv) unnamed John and Jane Roe employees at Corizon.

The DOC's Investigations Division conducted and recently concluded an investigation into the cause of Mr. Gonzalez's death. I have reviewed the investigation file and can identify the potential John and Jane Doe DOC corrections officers, as well as one John Roe Corizon employee. I also have requested Mr. Gonzalez's medical file from New York City Health + Hospitals, and anticipate being able to identify the names of additional John and Jane Roe Corizon employees, if any, by the end of this month.

Because the John and Jane Doe and John and Jane Roe defendants remain unidentified, a response to the Complaint is currently due on May 5, 2017 only from the City of New York and Corizon. However, rather than having the parties litigate this action in a piecemeal fashion, Defendants respectfully submit that all Defendants' time to respond should be adjourned until after Plaintiff amends her Complaint to name the individual defendants. This Office can then make the necessary representation decisions with respect to each individual

defendant and file a single response on behalf of all defendants that it decides to represent. Any defendants who are not represented by this Office can also obtain representation and file their responses at the same time. In this way, all the parties to the action will be proceeding along the same track.

The City and Corizon propose the following time frame:

- May 31, 2017: deadline for this Office to provide names of DOC John and Jane Does and Corizon John and Jane Roes
- June 21, 2017: deadline for Plaintiff to file Amended Complaint
- July 12, 2017: deadline for all Defendants to respond to Amended Complaint

Plaintiff's counsel consents to a two-week extension of City and Corizon's time to respond to the Complaint, but does not consent to the proposed time frame. However, a two-week extension does not solve the aforementioned issue of piecemeal litigation. Plaintiff's counsel also consents to a one-month extension of City and Corizon's time to respond, but not without imposing conditions that the City and Corizon cannot accept at this time.

This is Defendants' third request for an extension. The first request was granted on March 20, 2017, and extended the deadline from March 21, 2017 for the City of New York and March 30, 2017 for the other defendants, to April 14, 2017 for all Defendants. *See* Docket No. 18. The second extension was granted on April 13, 2017 and extended the deadline for all Defendants from April 14, 2017 to May 5, 2017. *See* Docket No. 24. Both the first and second requests were granted pending the completion of DOC's investigation into Mr. Gonzalez's death.

Thank you in advance for your consideration of this request.

Respectfully,

/s/ Agnetha E. Jacob

Agnetha E. Jacob

Assistant Corporation Counsel

cc: David Bruce Rankin
Rankin & Taylor, PLLC
Attorney for Plaintiff
11 Park Place, Suite 914
New York, NY 10007

Michael L Spiegel
The Law Offices of Michael L. Spiegel
Attorney for Plaintiff
11 Park Place, Suite 914
New York, NY 10007

Granted. The Court hereby adopts the above schedule.

SO ORDERED:

5/4/17
Paul A. Engelmayer

HON. PAUL A. ENGELMAYER
UNITED STATES DISTRICT JUDGE